

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-20 are pending. Claims 1-20 have been rejected.

Claims 1, 18, and 20 have been amended. No claims have been canceled. No claims have been added. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. Applicant submits that the amendments do not add new matter.

Applicant reserves all rights with respect to the applicability of the Doctrine of Equivalents.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 1, 2, 9, 16 and 18-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,758,328 to Giovannoli ("Giovannoli").

Applicant has amended claim 1 to include electronically notifying each of the potential bidders in the selected group of an opportunity to submit a bid to satisfy all or part of the buyer's purchase request, wherein the electronically notifying includes providing a bidding deadline; conducting the auction that includes electronically accepting bids from each of the automatically selected potential bidders in the selected group before the bidding deadline expires and not accepting the bids after the bidding deadline expires.

The Examiner stated that Giovannoli "fails to teach including a bidding time period and a bidding deadline in the electronic communication, and instructing selected vendors to post bids before the deadline" (Office Action, p. 5, 09/28/05).

Giovannoli discloses processing requests for quotation. More specifically, Giovannoli discloses broadcasting the request for quotations of products to prospective sellers. The quotations from sellers are communicated to the buyers (col. 2, line 35-col. 3, line 20).

Thus, Giovannoli merely discloses broadcasting the requests for quotations to the sellers, and sending the quotations from the sellers to the buyers. In contrast, amended claim 1 refers to electronically notifying each of the potential bidders in the selected group of an opportunity to submit a bid to satisfy all or part of the buyer's purchase request, wherein the electronically notifying includes providing a bidding deadline; and conducting the auction that includes electronically accepting bids from each of the automatically selected potential bidders in the selected group before the bidding deadline expires and not accepting the bids after the bidding deadline expires.

Because Giovannoli does not disclose all limitations of amended claim 1, Applicant respectfully submits that amended claim 1 is not anticipated under 35 U.S.C. § 102(b) by Giovannoli.

Given that amended claims 18 and 20 contain related limitations, Applicant respectfully submits that amended claims 18 and 20 are not anticipated under 35 U.S.C. § 102(b) by Giovannoli.

Because claims 2-17 and 19 depend from amended claims 1 and 18 respectively, and add additional limitations, Applicant respectfully submits that claims 2-17 and 19 are not anticipated under 35 U.S.C. § 102(b) by Giovannoli.

Claims 1 and 7-10 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,794,207 to Walker ("Walker '207").

Walker '207 discloses that sending from a buyer a conditional purchase offer ("CPO") to a central controller (Figure 5), the potential seller logs on to the central controller, browses list of available CPOs, and selects a CPO (Figure 9). Further, Walker '207 discloses that the potential seller sends a seller response to the buyer. The buyer then accepts the seller's response (col. 18, line 14-col. 19, line 60).

Thus, Walker'207 merely discloses that the potential seller browses the database to find a CPO, and then sends the seller's response to the buyer. In contrast, amended claim 1 refers to electronically notifying each of the potential bidders in the selected group of an opportunity to submit a bid to satisfy all or part of the buyer's purchase request, wherein the electronically notifying includes providing a bidding deadline; and conducting the auction that includes electronically accepting bids from each of the automatically selected potential bidders in the selected group before the bidding deadline expires and not accepting the bids after the bidding deadline expires.

Because Walker '207 does not disclose all limitations of amended claim 1, applicant respectfully submits that amended claim 1 is not anticipated under 35 U.S.C. § 102(b) by Walker '207.

Because claims 7-10 depend from amended claim 1, and add additional limitations, applicant respectfully submits that claims 7-10 are not anticipated under 35 U.S.C. § 102(b) by Walker '207.

REJECTIONS UNDER 35 U.S.C. § 103

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Giovannoli in view of U.S. Patent No. 6,415,264 to Walker ("Walker '264").

It is respectfully submitted that Giovannoli does not teach or suggest a combination with Walker'264, and Walker '264 does not teach or suggest a combination with Giovannoli. Giovannoli teaches communicating requests for quotation between buyers and sellers.

Walker '264 teaches posting of the products by the seller. It would be impermissible hindsight, based on the applicant's own disclosure, to combine Giovannoli and Walker '264.

Furthermore, even if Giovannoli and Walker '264 were combined, such a combination would lack the following limitations of amended claim 1: electronically notifying each of the

potential bidders in the selected group of an opportunity to submit a bid to satisfy all or part of the buyer's purchase request, wherein the electronically notifying includes providing a bidding deadline; and conducting the auction that includes electronically accepting bids from each of the automatically selected potential bidders in the selected group before the bidding deadline expires and not accepting the bids after the bidding deadline expires.

Therefore, applicant respectfully submits that amended claim 1 is not obvious under 35 U.S.C. § 103(a) over Giovannoli in view of Walker '264.

Because claim 3 depends from amended claim 1, and adds additional limitations, applicant respectfully submits that claim 3 is not obvious under 35 U.S.C. § 103(a) over Giovannoli in view of Walker '264.

Claims 4-6, 11 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Giovannoli.

As set forth above, Giovannoli discloses processing requests for quotation. More specifically, Giovannoli discloses broadcasting the request for quotation of products to prospective sellers (col. 2, lines 35-48). The seller's responses are communicated to the buyers (col. 2, lines 48-50).

It is respectfully submitted that Giovannoli does not disclose, teach, or suggest electronically notifying each of the potential bidders in the selected group of an opportunity to submit a bid to satisfy all or part of the buyer's purchase request, wherein the electronically notifying includes providing a bidding deadline; and conducting the auction that includes electronically accepting bids from each of the automatically selected potential bidders in the selected group before the bidding deadline expires and not accepting the bids after the bidding deadline expires.

Therefore, it is respectfully submitted that amended claim 1 is not obvious under 35 U.S.C. § 103(a) over Giovannoli.

Because claims 4-6, 11, and 12 depend from amended claim 1, and add additional limitations, applicant respectfully submits that claims 4-6, 11, and 12 are not obvious under 35 U.S.C. § 103(a) over Giovannoli.

Claims 13 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Giovannoli in view of U.S. Patent No. 5,905,975 to Ausubel ("Ausubel").

As set forth above, Giovannoli discloses processing requests for quotation. More specifically, Giovannoli discloses broadcasting the request for quotation of products to prospective sellers (col. 2, lines 35-48). The seller's responses are communicated to the buyers (col. 2, lines 48-50).

Ausubel discloses an auctioneer's system and a plurality of users. More specifically, Ausubel discloses that after a user chooses a product, the user submits a bid to the auctioneer's system (col. 1, line 60- col. 2, line 30).

It is respectfully submitted that Giovannoli does not teach or suggest a combination with Ausubel, and Ausubel does not teach or suggest a combination with Giovannoli. Giovannoli teaches communicating of quotations for products between buyers and sellers. Ausubel teaches submitting of bids to the auction.

It would be impermissible hindsight, based on the applicant's own disclosure, to combine Giovannoli and Ausubel.

Furthermore, even if Giovannoli and Ausubel were combined, such a combination would lack the following limitations of amended claim 1: electronically notifying each of the potential bidders in the selected group of an opportunity to submit a bid to satisfy all or part of the buyer's purchase request, wherein the electronically notifying includes providing a bidding deadline; and conducting the auction that includes electronically accepting bids from each of the automatically selected potential bidders in the selected group before the bidding deadline expires and not accepting the bids after the bidding deadline expires.

Claims 15 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Giovannoli in view of U.S. Patent No. 5,890,138 to Godin ("Godin").

As set forth above, Giovannoli discloses processing requests for quotation. More specifically, Giovannoli discloses broadcasting the request for quotation of products to prospective sellers (col. 2, lines 35-48). The seller's responses are communicated to the buyers (col. 2, lines 48-50).

Godin discloses a reverse auction system that provides a rapid feedback for the users (bidders). More specifically, Godin discloses that an auction system presents products that are available on sale to a user and provides price information to the user (col. 1, line 57-col. 2, line 14). The user then informs the auction system about the decision to purchase the product at the current price. The system removes the user from the auction when the purchase indication from the user has been received (col. 8, line 48-col. 9, line 25).

It is respectfully submitted that Giovannoli does not teach or suggest a combination with Godin, and Godin does not teach or suggest a combination with Giovannoli. Giovannoli teaches communicating quotations for products between buyers and sellers. Godin teaches providing a feedback in a reverse auction. It would be impermissible hindsight, based on the applicant's own disclosure, to combine Giovannoli and Godin.

Furthermore, even if Giovannoli and Godin were combined, such a combination would lack the following limitations of amended claim 1: electronically notifying each of the potential bidders in the selected group of an opportunity to submit a bid to satisfy all or part of the buyer's purchase request, wherein the electronically notifying includes providing a bidding deadline; and conducting the auction that includes electronically accepting bids from each of the automatically selected potential bidders in the selected group before the bidding deadline expires and not accepting the bids after the bidding deadline expires.

Therefore, applicant respectfully submits that amended claim 1 is not obvious under 35 U.S.C. § 103(a) over Giovannoli in view of Godin.

Because claims 15 and 17 depend from amended claim 1, and adds additional limitations, applicant respectfully submits that claims 15 and 17 are not obvious under 35 U.S.C. § 103(a) over Giovannoli in view of Godin.

CONCLUSION

It is respectfully submitted that in view of the amendments and arguments set forth herein, the applicable rejections and objections have been overcome. If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

Blakely, Sokoloff, Taylor & Zafman, LLP

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By: 

Tatiana Rossin
Reg. No. 56,833

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(408) 720-8300